



CRL OP(MD). No.6072 of 2025

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 02/04/2025

PRESENT

The HONOURABLE MR. JUSTICE R. SAKTHIVEL

CRL OP(MD). No.6072 of 2025

1. K. Thangaraj,

2. T. Thivagar,

... Petitioners/ Accused No.1 & 2

Vs

State of Tamilnadu rep.by,
The Sub Inspector of Police
Vadipatti Police Station,
Madurai District.
(Crime No. 57 of 2025).

... Respondent/Complainant

For Petitioners : Mr.Chandrasekaran.S.,
Advocate.

For Respondent : Mr.K.Sanjai Gandhi,
Government Advocate (Crl.Side)

PETITION FOR ANTICIPATORY BAIL Under Sec.482 of BNSS

PRAYER :-

For Anticipatory Bail in Crime No. 57 of 2025 on the file of the respondent-police.

<https://www.mhc.tn.gov.in/judis>



CRL OP(MD). No.6072 of 2025

WEB COPY

ORDER : The Court made the following order :-

This Criminal Original Petition has been filed by the petitioners on 28.03.2025 under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023, praying to grant an order of pre-arrest bail.

2. The petitioners/Accused No.1 and 2 apprehend arrest at the hands of the respondent-Police for the offences punishable under Section 303 (2) of BNS, 2023 and Section 21(4) of Mines and Minerals (Development and Regulation) Act, 1957 in Crime No.57 of 2025 on the file of the respondent-Police.

3. The case of the prosecution is that on 03.03.2025, at about 04.00 a.m., based on a secret information from the defacto complainant-Village Administrative Officer, KatchaiKatti, the respondent-Police along with his police team intercepted the lorry bearing Registration No.TN 57 AP 2844, while driver fled from the spot and they discovered that lorry have illegally transported six units of 'rough stones' without any valid license or permission. Thereafter, the respondent-Police seized the sand along with the alleged vehicle. Hence, the case.

4. Mr.S.Chandrasekaran, the learned counsel for the petitioners, submits that the petitioners are innocent persons and they have not committed any offence as alleged by the prosecution and they have been falsely implicated in this case. He,



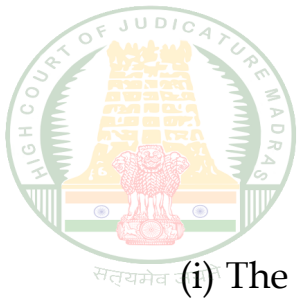
CRL OP(MD). No.6072 of 2025

however, submits that the petitioners are ready to abide by any conditions to be imposed by this Court. He therefore prays for grant of pre-arrest bail to the petitioners.

5. Per contra, Mr.K.Sanjai Gandhi, the learned Government Advocate (Criminal Side) appearing for the respondent-police, submits that the petitioners have transported six units of Rough Stones by using lorry bearing Registration No.TN 57 AP 2844 without any valid license or permission. He further submits that there is one previous case pending against the first petitioner, which is not similar in nature. As far as the second petitioner is concerned, he has no previous case. Accordingly, he prays to dismiss this Criminal Original Petition.

6. Heard on both sides. This Court has perused the records.

7. Considering that the allegedly illegally transported rough stones through lorry have already been seized by the respondent police, the custodial interrogation of the petitioner not necessary. Further, the petitioners have permanent residence and deep roots in the society and therefore, there is less possibility for absconding. Considering the same, and also considering the quantity of rough stones allegedly transported by the petitioners, and with a view to give one more opportunity to the petitioners to reform themselves, this Court is inclined to grant an order of pre-arrest bail to the petitioners subject to the following conditions.



CRL OP(MD). No.6072 of 2025

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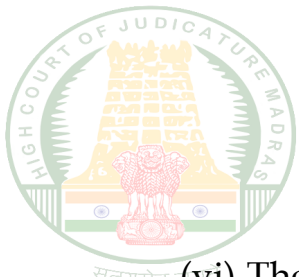
(i) The petitioners shall be released on pre-arrest bail in the event of their arrest or in the event of their surrender before the learned Judicial Magistrate, Vadipatti, Madurai District, within a period of 15 days from date on which the order copy is made ready, on executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each along with two sureties, each for a like sum of Rs.10,000/- (Rupees Ten Thousand only) to the satisfaction of the learned Judicial Magistrate, Vadipatti, Madurai District,;

(ii) The sureties shall affix their photographs and left thumb impression in the Application for Suretyship [Judicial Form No.46 annexed to 'The Criminal Rules of Practice, 2019']. The learned Judicial Magistrate, Vadipatti, Madurai District, shall obtain a copy of any one of identity proofs to ensure their identity;

(iii) The petitioners shall appear and sign before the respondent-Police daily at 10.30 a.m., until further orders;

(iv) The petitioners shall make themselves available for interrogation by a police officer as and when required;

(v) The petitioners shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer;



CRL OP(MD). No.6072 of 2025

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Court;

(vi) The petitioners shall not leave India without the previous permission of the

(vii) The petitioners shall furnish their residential address and mobile number to the learned Judicial Magistrate, Vadipatti, Madurai District,;

(viii) The petitioners shall not, directly or indirectly, cause any threat to the defacto complainant and witnesses and shall not tamper the evidence; and

(ix) On breach of any of the aforementioned conditions, the learned Judicial Magistrate, Vadipatti, Madurai District, or Trial Court, as the case may be, is entitled to pass appropriate orders against the petitioners in accordance with law as if the aforementioned conditions are imposed by him as laid down by the Hon'ble Supreme Court in P.K. Shaji vs. State of Kerala [(2005) 13 SCC 283].

8. Accordingly, this Criminal Original Petition is allowed subject to the conditions stated supra.

sd/-
02/04/2025

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/04/2025
Sub-Assistant Registrar (C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.



CRL OP(MD). No.6072 of 2025

VSG
TO
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1 THE JUDICIAL MAGISTRATE
VADIPATTI, MADURAI DISTRICT.

2 DO THROUGH
THE CHIEF JUDICIAL MAGISTRATE,
MADURAI DISTRICT.

3 THE SUB INSPECTOR OF POLICE
VADIPATTI POLICE STATION,
MADURAI DISTRICT

4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.S.CHANDRASEKARAN, Advocate (SR-3843[I] dated 03/04/2025)

ORDER
IN

CRL OP(MD) No.6072 of 2025

Date :02/04/2025

HPS/SAR / 28.04.2025/6P/6C

Madurai Bench of Madras High Court is issuing certified copies in this format from
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